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Ravalli County Commissioners

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September 16, 2008

Board of Commissioners
Ravalli County
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioners:

The 15-year-old non-profit Tri-State Water Quality Council (Council) would like to formally invite Ravalli County to be a voting member of our organization.

The Council was founded in 1993 on the premise that involvement by local stakeholders is essential to seeking and carrying out water quality solutions in the watershed. Council members are working together in a good faith effort to reach the water quality goals of the Clark Fork-Pend Oreille Basin Management Plan that covers western Montana, northern Idaho, and eastern Washington, and they sincerely believe that this voluntary, collaborative approach is their ultimate strength.

The Council would benefit greatly from having Ravalli County's involvement and representation at our table. There are a number of local governments and agencies represented on the Council, including Pend Oreille County; the Cities of Sandpoint, Missoula, Deer Lodge, and Butte; the Missoula City/County Health Dept., and the Bonner Soil & Water and Pend Oreille Conservation Districts. In addition, there are a number of other state and federal agencies, as well as business, industry, tribes, and environmental organizations.

A recent update to the Basin Management Plan identified impacts from growth and development as the primary water quality issue facing communities across all three states. Ravalli County's involvement on the Council would enable your input on the measures we are working on to protect and improve water quality, while sharing valuable insights and approaches to common water quality problems among fellow local governments across the watershed. A good example of mutual benefit was your recent decision to have the Environmental Health Dept. work with us on a multi-county septic project.

Membership on the Council would involve attendance at a day-long meeting twice a year (April and October). Though we historically have rotated our meetings among communities throughout the three-state watershed, we have slated the next several meetings in Sandpoint (including October 15, 2008) to reduce our staff travel expenses. We also recognize that some members may not be able to attend every meeting, and additional involvement on any of our ad-hoc committees would be at your discretion.

We simply require a letter stating your acceptance of our invitation to become a voting member of the Council, and indicating your official representative. The County representative can be one of the Commissioners, or high-level staff in an appropriate department such as Environmental

Health, Planning or Roads. There are pros and cons to either choice; commissioners may not be re-elected and staff may not be able to vote on important decisions that arise during Council meetings. In either case, the official "seat" would belong to the County.

I have enclosed our bylaws and some background information with a list of current Council members. We would like to make your membership on the Council official at our October 15 meeting if possible. Please feel free to call or email if you have any questions, need additional materials, or would like to speak with me in person.

We hope to look forward to having Ravalli County as a member of the Council!

Sincerely,


Diane M. Williams
Executive Director

Encls.

Tri-State Water Quality Council **2008 Information Packet**

Working Together to Implement the Clark Fork-Pend Oreille Basin Management Plan

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John Sugden, Program Director

Tri-State Water Quality Council

Mission Statement: The Clark Fork-Pend Oreille river system is vital to the quality of life in a watershed that spans three states. Citizens, business, industry, government, tribes and environmental groups are united in the Tri-State Water Quality Council to improve water quality in this watershed. We accomplish our mission through mutual respect, collaboration, science and education.

Background

- The Council's purpose is to carry out the water quality protection measures of the Clark Fork-Pend Oreille Basin Management Plan. This plan is the result of a U.S. Congressional mandate in the Clean Water Act of 1987, Section 525.
- To carry out its work across the 16-million-acre watershed, the Council brings diverse interests to the table to work together on water quality solutions. The Council's experienced business, governmental, environmental, and tribal interests are operating in a good faith effort to reach the water quality goals of the watershed management plan and they believe that this voluntary, cooperative approach is their ultimate strength.
- Working mostly "behind the scenes" the Council is getting things done. After the Section 525 water quality studies were completed, the Council was created by federal and state agencies in 1993 to implement the priority action items from the Basin Management Plan. Through the work of the Council's subcommittees, most priority action items from the original management plan have been accomplished or are well underway.
- While much has been accomplished in the three-state watershed, much work remains to meet the management goal of restoring and protecting beneficial water uses basin-wide, and to begin work on the priority action items contained in the 2007 update to the Basin Management Plan.
- Employing a full-time Executive Director and a part-time Program Director, the Council operates on a very low overhead basis; most funding goes directly to on-the-ground programs and projects.
- The Council operates by consensus and integrates agency and corporate interests in its approach. The Council is not an environmental activist organization, nor does it engage in litigation.

Historical Highlights

- **1970's-1980's:** Citizen concerns increase over nuisance aquatic weeds and algae in the Clark Fork River and Lake Pend Oreille.
- **1987-88:** U. S. Congress adds Section 525 to the Clean Water Act of 1987, directing EPA to conduct a comprehensive study of the Clark Fork-Pend Oreille watershed to identify sources of pollution. Congressional delegates from Montana, Idaho and Washington respond to citizen concerns and appropriate \$1.3 million to EPA for conducting the Section 525 studies.
- **1989-92:** EPA and the state water quality agencies in Montana, Idaho, and Washington conduct water quality studies and analyze results.
- **1992-93:** EPA and the three states develop a Basin Management Plan and conduct public hearings. The plan is finalized and sent to Congress as a report on the Section 525 work.
- **1993:** EPA and the state agencies create the Tri-State Implementation Council, a 28-member broad-based stakeholder group, and host its first meeting in October to hand over the management plan to the Council for implementation.
- **1993-98:** The Council establishes subcommittees in local communities and works on carrying out priority action items from the management plan. Major projects include a voluntary pollution reduction program for the Clark Fork River, a three-state water quality monitoring network, and public education programs.
- **1998:** To diversify its funding base, the Council incorporates as a non-profit organization and receives 501(c)(3) tax-exempt status from the IRS.
- **1999:** The Council changes its name from Tri-State Implementation Council to Tri-State Water Quality Council to better represent the group's focus and work in the watershed.
- **2001:** The Council receives national recognition for its leadership and collaborative approach as a recipient of the National Watershed Award from CF Industries and the Conservation Fund.
- **2003:** The Council partners with four major watershed groups in Montana to successfully compete for \$1 million in project funds under EPA's new Targeted Watersheds program; becomes the top-ranked of only 20 watersheds selected nationally for funding.
- **2001-2006:** The Council develops and facilitates key pollution reduction measures including the MT-ID Border Nutrient Load Agreement, a Nutrient TMDL and Management Plan for the nearshore waters of Lake Pend Oreille, and a Management Plan for the Pack River (a major tributary to Lake Pend Oreille).
- **2006-2008:** The Council facilitates an update to the 1993 Basin Management Plan with two regions of EPA, the three states, tribes, and key stakeholders in the basin; and facilitates an interstate temperature TMDL for the Pend Oreille River with EPA, Idaho, Washington and the Kalispel Tribe.

Council Members

Montana

Avista Corporation (Noxon/Cabinet Gorge Dams Project)
City of Butte
City of Deer Lodge
City of Missoula
Clark Fork Coalition
Confederated Salish & Kootenai Tribes
Lower Clark Fork Watershed Group
Missoula City-County Health Department
Montana Department of Environmental Quality
Montana Rail Link
PBS & J, Inc. (formerly Land & Water Consulting)
Plum Creek Timber Co.
PPL-Montana, LLC
Smurfit-Stone Container Corporation

Idaho

Bonner Soil & Water Conservation District
City of Sandpoint
Clark Fork-Pend Oreille Conservancy
Idaho Department of Environmental Quality
InterMountain Resources
Kootenai Tribe of Idaho
Kootenai-Ponderay Sewer District
Rock Creek Alliance

Washington

Kalispel Tribe
Pend Oreille Conservation District
Pend Oreille County
Pend Oreille County Public Utility District #1
Washington Department of Ecology

Federal Agencies

National Park Service (Grant Kohrs Ranch, MT)
Natural Resources Conservation Service (NRCS) (Sandpoint, ID office)
U.S. Army Corps of Engineers, Seattle District
U.S. Forest Service, Northern Region (Missoula, MT)

Ex-Officio/Non-Voting

U. S. EPA, Region 8
U.S. EPA, Region 10

Current Programs

- **Clark Fork River Voluntary Nutrient Reduction Program (VNRP)**
Implementation of specific measures by the four main point source dischargers and nonpoint sources to meet water quality targets to reduce nutrient pollution and nuisance algae problems in 200 miles of the Clark Fork River. Carried out by the VNRP Coordinator (a contractor to the Council), and overseen by the Council's VNRP Committee.
- **Pack River (ID) and Bitterroot River (MT)**
Education and outreach in these two sub-watersheds that contribute a high load of nutrients to the Clark Fork-Pend Oreille watershed. Seeks to continue water quality monitoring, support citizen-based watershed councils, and coordinate federal, state and private watershed restoration projects. Carried out by the VNRP Coordinator (MT) and contractors (ID), in conjunction with local Conservation Districts and NRCS.
- **Montana/Idaho Border Nutrient Load Agreement**
Provides guidance to the states of Montana and Idaho for meeting agreed-upon targets for nutrient loading at the Montana/Idaho boundary in the Clark Fork River, and monitoring to ensure those targets are being met to protect the quality of Lake Pend Oreille's open waters. Overseen by the Council's Border Agreement Technical Team and Monitoring Committee.
- **Lake Pend Oreille Nutrient Management Plan**
Implements measures of a recently developed management plan to protect water quality in the shallow bays and nearshore areas of Lake Pend Oreille from local sources of nutrient pollution, focusing on public education and awareness. Carried out by the Lake Nearshore Committee.
- **Pend Oreille River TMDLs**
Coordination with the States of Idaho and Washington, the Kalispel Tribe of Indians, major stakeholders, and EPA Region 10 to facilitate development of Total Maximum Daily Loads (TMDLs) for temperature and dissolved gas impairments throughout the Pend Oreille River.
- **Water Quality Monitoring Program**
A comprehensive, annual basin-wide water quality monitoring program to provide long term trend analysis, to provide reliable data for decision making, and to evaluate the effectiveness of the basin management plan and measures to restore and protect water quality. Carried out by PBS & J, Inc. (the Council's contractor) and overseen by the Monitoring Committee.
- **Basin Management Plan 2007 Update**
A comprehensive update to the 1993 Clark Fork-Pend Oreille Basin Management Plan with the States of Idaho, Montana, and Washington, EPA Regions 8 and 10, and major stakeholders and organizations throughout the basin. The updated plan identifies threats to water quality from from growth and development, with a focus on working with local and state governments at the policy level to improve septic and land use regulations.
- **Water Festivals**
An annual outdoor event for 5th and 6th grade students in Bonner County, Idaho; Pend Oreille County, Washington; Sanders County, Montana; and Missoula, Montana for students to learn about local water resources in a fun, hands-on environment. Coordinated by local Water Festival Committees.

Tri-State Water Quality Council, Inc.
Bylaws

A. Council Mission

The mission of the Tri-State Water Quality Council, Inc. [October 7, 1999] ("Council") is adopted as follows:

The Clark Fork -Pend Oreille river system is vital to the quality of life in a watershed that spans three states. Citizens, business, industry, government, tribes and environmental groups are united in the Tri-State Water Quality Council to improve water quality in this watershed. We accomplish our mission through mutual respect, collaboration, science and education. [April 25, 2001]

To accomplish its mission, the Council has various roles and responsibilities that include, but are not limited to: building strong citizen, community and agency support for the Clark Fork-Pend Oreille Watershed Management Plan; coordinating the activities of the various agencies implementing the plan; developing timetables; identifying funding; establishing budgets; securing agreements among agencies; establishing criteria for success; identifying or revising priority recommendations; communicating with appropriate groups as needed; and providing a forum for public input and support.

B. Council Meetings

1. Schedule

Meetings of the Council will be scheduled twice each year (April and October) in rotating locations throughout the watershed. The Council shall set the meeting date and give each member thirty days written notice. [October 4, 2000]

2. Content

Meetings will be task oriented with specific agendas.

Members will fully explore issues, recognizing time limitations and size of the Council.

Members commit to search for opportunities and creative solutions.

All members of the Council will seek to clearly articulate their concerns and goals regarding the issues.

Members will enter into a dialogue that includes listening carefully, asking questions, and educating others regarding individual needs. The atmosphere will be problem solving rather than stating positions.

All members of the Council accept responsibility for keeping their associates and constituency groups informed of the progress of the discussions and to seek advice and comments.

3. Recording of meetings

A record of Council meetings will be kept describing discussion of agenda topics and any decisions made by the Council. This record will be reviewed and approved at the next meeting of the Council.

4. Facilitation

Council meetings will be facilitated by the Executive Director, or as designated.

5. Open meetings/public comment

Provision will be made at each Council meeting for public comment. Meetings held explicitly for public comment on specific topics will be planned for as deemed appropriate by the Council.

6. Quorum

A quorum of the Council consists of one-half of its occupied member seats. [April 19, 2007]

C. Decision-Making Process

1. Search for consensus

The Council is committed to carrying out the provisions of the management plan by consensus. To this end, individual members of the Council agree to:

Fully inform the public about and involve the public in the work of the Council;

Express candidly their interests or concerns in the issues considered in implementing the plan;

Listen respectfully to and seek to understand the interests and concerns expressed by other members;

Search creatively for opportunities to address all interests and concerns; and

Explore fully all issues before forming conclusions.

2. Council decision-making

After discussion of an issue, each member will be asked to state his own opinion before a group decision is made.

Whenever possible, Council decisions will be made by consensus.

When consensus is not possible, decisions will be made by a formal seconded motion approved by a majority vote of a quorum of the Council.

Minority opinion(s) will be reflected in the minutes.

Decisions will be restated to make sure all members understand what was decided.

Council members will forego characterization to the media or in other public meetings the interests and concern of other members.

3. Consent Mailings.

Recognizing that issues requiring emergency action or resolution by the Council may arise between meetings, the Council will accept proposals by mail or email from the Executive Director for review, comment and/or approval. Such proposals will be mailed or emailed to each Council member and each member will have 14 days to provide any written comments or approval. This consent mail decision-making applies only to urgent situations and does not apply to changes in the by-laws or any Council business that can normally be completed at Council meetings in April and October. [April 25, 2001]

D. Council Members

1. Membership

The Council will consist of representatives from federal, tribal, state, county and city agencies, business, industry, citizen organizations and citizens [October 4, 2000.]

The Council will initially be organized to consist of the following members:

Montana: City of Butte; City of Deer Lodge; City of Missoula; Stone Container Corp.; Missoula City-County Health Department; Land & Water Consulting; Confederated Salish & Kootenai Tribes; Clark Fork-Pend Oreille Coalition; Montana Power Company; Phelps Dodge; ASARCO; Montana Department of Environmental Quality.

Idaho: City of Sandpoint; City of Hope/East Hope; InterMountain Resources; Washington Water Power; Intermountain Forest Industry Association; Kootenai Tribe of Idaho; Clean Lakes Coordinating Council; Idaho Division of Environmental Quality.

Washington: Pend Oreille County; Kalispel Tribe; Washington Department of Ecology.

Federal Agencies: Natural Resource Conservation Service; U.S. Bureau of Land Management; U.S. Forest Service.

Two representatives from the U. S. Environmental Protection Agency, one each from Region 8 and Region 10, shall serve as ex officio, non-voting members of the Council.

Any requests for new memberships will be forwarded to the Council; such requests will be placed on the agenda of the next scheduled meeting of the Council for consideration.

[April 25, 2001]

Membership is authorized to expand to 35 as deemed appropriate by a majority of the members.

New appointments to replace any members will be made by the agency or organization being represented.

Alternates have the same standing as Council members; however, original members are responsible for ensuring consistency and coordination with their chosen alternate.

2. Attendance policy

If any member fails to attend two [October 7, 2004] consecutive Council meetings, the Council will request that the agency/organization being represented by the absent member name a replacement. At that time, the Council should also ask for a restatement or clarification of the agency/organization's commitment to the Council's activities.

If the absent member does not respond or name a replacement 60 days prior to the next Council meeting, the member will be removed from the Council and the Council will seek a replacement from that entity or category. [April 21, 2004]

3. Member Dues

Recognizing that Council members are committed to volunteering their time and resources to participate on the Council, membership dues are not required. However, provision is made for members to pay voluntary membership dues to the Tri-State Water Quality Council, Inc., a tax-exempt non-profit corporation, to help the organization meet its budget. [April 25, 2001]

4. Use of Council Name & Affiliation

Council members cannot use the Council's name or their association with the Council in order to prevent an apparent invocation of the Council's name to benefit or promote their personal, professional or organization's standing/reputation. [April 19, 2007]

E. Board of Directors

The Board of Directors shall consist of five to seven at-large directors, [October 4, 2007] with the goal of striving for [April 21, 2004] one director from each of the three states, with no more than three directors serving at a time from any one state. [October 4, 2007]

Directors will be elected annually at the April Council meeting, each to serve a three-year [April 21, 2004] term and shall hold a meeting immediately following the April Council meeting in order to elect Officers. The initial election will stagger the three-year terms, so that one director shall have a one-year term, one director shall have a two-year term, and two directors shall have a three-year term, with all subsequent elections for three-year terms. Directors may serve two consecutive terms, then must step down for one year before being eligible for re-election. [April 21, 2004]

The Board of Directors will be a working board and will sign any official Council letters, review draft agendas, review and approve annual budgets, [April 25, 2001] provide a sounding board for the Executive Director, and assist the Executive Director as needed.

Directors shall meet in person at least twice per year in conjunction with the Council's April and October meetings. The Directors may also conduct business and make decisions via conference call and email. A record will be kept describing discussion of topics and any decisions made by the Directors. This record will be reviewed and approved by the Board. [April 21, 2004]

Representatives from the regulatory agencies will not serve as directors.

F. Executive Director [October 7, 1999]

The Chief Executive Officer shall be called "Executive Director" and shall serve at the pleasure of the Board.

The Executive Director oversees all aspects of program implementation and is responsible for managing and directing the activities of the Council to achieve the organization's mission and to meet the goals of the Clark Fork-Pend Oreille Watershed Management Plan. [April 25, 2001]

The Executive Director's duties include: organizing Council meetings; developing timetables and budgets for the Council; preparing grant applications; keeping a record of implementation progress; coordinating Council and subcommittee efforts with other management activities in the watershed; building support for the management plan; and maintaining a project office.

G. Council Subcommittees

Subcommittees will be formed by the Council to carry out specific action items from the management plan at the local level.

The first subcommittees will be organized to work on the nine priorities from the plan; subsequent subcommittees will be created to work on issues at the Council's recommendation.

Subcommittees will be comprised of citizens, agencies, industry and other interested/informed parties,

and will meet as needed to effectively carry out their objectives.

The Council is responsible for providing guidance and support to its subcommittees. The Executive Director will provide assistance to subcommittees as required.

H. Media Relations

The Executive Director will be the media contact person unless contact is delegated to the Council's Board or staff, or to a Council member or contractor. [October 7, 2004]

The Executive Director or delegated contact [October 7, 2004] will speak to general issues of interest or concern to the Council's work, but will not attempt to represent any particular Council member's opinion or position on an issue. Specific questions regarding agencies, industry or other organizations will be directed to the appropriate representative.

Regarding controversial issues being handled at the subcommittee level, decisions about how to respond to the media will be made by the Executive Director in conjunction with the Council representative(s) and contractors on that subcommittee. [October 7, 2004]

A fact check - should be requested of the media prior to broadcast or publication of any interviews so that the Executive Director can consult with Council or subcommittee members if needed. [October 7, 2004]

Prior to each Council meeting, the Executive Director will provide an announcement in the community where the meeting is being held.

After each Council meeting, the Executive Director will issue a press release to media throughout the watershed to highlight the Council's activities.

I. Council Comment on Public Documents and at Public Meetings [October 7, 2004]

When preparing comments on public documents or at public meetings [October 7, 2004] with potential impact to the watershed (such as environmental assessments, environmental impact statements, proposed state regulations), the Council will limit its comments to support for implementation of action items in the basin-wide management plan and the encouragement of public involvement.

Council comments will refer to general issues of interest or concern to the Council's work, but will not attempt to represent any particular Council member's opinion or position on an issue.

Regarding controversial issues being handled at the subcommittee level when there is insufficient time to follow the consent mail process, decisions about comments will be made by the Executive Director in conjunction with Council representative(s) and contractors on that subcommittee. [October 7, 2004]

J. Modification of the Bylaws

Modifications to the Council's bylaws cannot be made without prior notice. If a suggestion for modification is made at a meeting of the Council, it cannot be decided upon until the next meeting of the Council, so that all members may have the opportunity to decide. If a suggestion for modification is made between meetings of the Council, it must be submitted to the Executive Director who will include it in the upcoming Council meeting announcement/agenda.

K. Dissolution of Council

The Council will dissolve upon completion of its mission, or by majority vote of a quorum of the Council. Dissolution cannot take place without prior notice to all members.

Adopted, January 7, 1997
Modified, October 7, 1999
Modified, October 4, 2000
Modified, April 25, 2001
Modified, April 21, 2004
Modified, October 7, 2004
Modified, April 19, 2007
Modified, October 4, 2007